

**STATE OF NEW MEXICO
CITY OF MORIARTY
RESOLUTION NUMBER 20-21-24**

**EMERGENCY PROCLAMATION DECLARING
EXTREME OR SEVERE DROUGHT CONDITIONS WITHIN THE CITY OF MORIARTY**

WHEREAS, the Governing Body of the City of Moriarty has obtained information and forecasts from the National Weather Service concerning drought indices affecting the City of Moriarty; and

WHEREAS, the Governing Body of the City of Moriarty has obtained relevant information from the United States Forest Service concerning drought conditions affecting the City of Moriarty; and

WHEREAS, on May 28, 2021, the Governing Body of the City of Moriarty held a public hearing and considered the drought information obtained from the National Weather Service and the United States Forest Service and comment from the public; and

WHEREAS, the Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-8.1 authorizes the Governing Body of the City of Moriarty to issue a proclamation declaring extreme or severe drought conditions within the boundaries of the City of Moriarty; and

WHEREAS, the Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-8.1 further requires that such a proclamation ban or restrict the sale and use of certain conditions within the boundaries of the City of Moriarty.

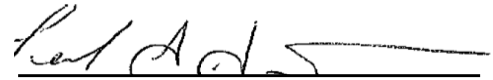
NOW, THEREFORE, BE IT PROCLAIMED BY THE GOVERNING BODY OF THE CITY OF MORIARTY, that:

1. Severe or extreme drought conditions exist within the municipal boundaries of the City of Moriarty.
2. Firework restrictions are imposed within the boundaries of the City of Moriarty pursuant to Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-8.1 and shall:
 - a. Ban the **use** of missile type rockets, helicopters, aerial spinners, stick type rockets and ground audible devices including chasers and firecrackers within the boundaries of the City of Moriarty.
 - b. Restrict the use of any fireworks not listed in above to areas that are paved or barren and that have a readily accessible source of water for use.

- c. Fireworks that are still permissible within the boundaries of the City of Moriarty are: Cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoking devices, mines, roman candles, shells, multiple tube devices and wheels.
3. Pursuant to Fireworks Licensing and Safety Act at NMSA 1978, § 60-2C-6, nothing in this proclamation “shall prohibit licensed wholesalers, distributors, importers or manufacturers from storing, selling, shipping or otherwise transporting fireworks as defined by the United States department of transportation to any person or entity outside the state of New Mexico.”
4. This proclamation incorporates by reference the definitions of terms specified under the Fireworks Licensing and Safety Act, including but not limited to the following:
 - a. “‘missile-type rocket’ means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition;” NMSA 1978, § 60-2C-2(U);
 - b. “‘helicopter’ or ‘aerial spinner’ means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight;” NMSA 1978, § 60-2C-2(Q);
 - c. “‘stick-type rocket’ means a cylindrical tube containing no more than twenty grams of chemical composition with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight;” NMSA 1978, § 60-2C-2(CC);
 - d. “‘chaser’ means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report;” NMSA 1978, § 60-2C-2(D);
 - e. “‘firecracker’ means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report;” NMSA 1978, § 60-2C-2(M);
 - f. “‘ground audible devices’ means ‘chasers’ and ‘firecrackers.’” NMSA 1978, § 60-2C-7(A)(3).
 - g. “‘distributor’ means a person, firm or corporation selling fireworks to wholesalers and retailers for resale;” NMSA 1978, § 60-2C-2(K);
 - h. “‘manufacturer’ means a person, firm or corporation engaged in the manufacture of fireworks;” NMSA 1978, § 60-2C-2(S);
 - i. “‘retailer’ means a person, firm or corporation purchasing fireworks for resale to consumers;” NMSA 1978, § 60-2C-2(Z);

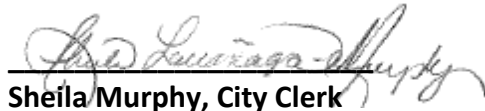
- j. “‘specialty retailer’ means a person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism;” NMSA 1978, § 60-2C-2(BB);
 - k. “‘wholesaler’ means a person, firm or corporation purchasing fireworks for resale to retailers;” NMSA 1978, § 60-2C-2(GG).
5. This proclamation shall be effective for 30 days and the Governing Body may issue succeeding proclamations if extreme or severe drought conditions warrant.

RESOLVED: In session this 28TH day of May, 2021, in the City of Moriarty, Moriarty New Mexico



Mayor Ted A. Hart

Attest:


Sheila Murphy, City Clerk